

## UNITED STATES DISTRICT COURT

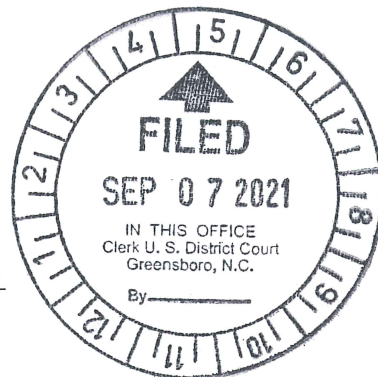
for the

Middle District of North Carolina

United States of America )

v. )

Case No. )

Davante Marcellos Johnson )  
aka Davante Marcellas Johnson )1:21MJ 331\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 1, 2021 in the county of Durham in the  
Middle District of North Carolina, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 115(a)(1)(B)

Threaten to assault with intent to intimidate a federal official engaged in the performance of her duties

18 U.S.C. § 844(e)

Willfully threatening through the use of the telephone to damage or destroy a building by means of fire or explosives

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

/s/ Frank Skrtic

*Complainant's signature*

FPS Special Agent Frank Skrtic

*Printed name and title*

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Criminal Complaint and attached affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date:

9/7/2021

City and state:

Winston Salem, North Carolina
  
*Judge's signature*

Joi Elizabeth Peake, U.S. Magistrate Judge

*Printed name and title*

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Frank Skrtic, a Special Agent with the Federal Protective Service (“FPS”), assigned to the Charlotte, NC field office (“Your Affiant”), being duly sworn, hereby depose and state the following:

### **INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed as a Federal Law Enforcement Officer since September 16, 2007, and currently serve as a Special Agent with the US Department of Homeland Security’s Federal Protective Service (“FPS”). I have been so employed with FPS for approximately eleven (11) plus years. I have previously worked as a Federal Air Marshal for approximately two plus years at the Boston, MA Field Office. Furthermore, I am a graduate of the Federal Law Enforcement Training Center (“FLETC”), Criminal Investigator Training Program (“CITP”), where I was trained in the criminal investigative process and am authorized to enforce federal laws as defined in 40 USC 1315 and 18 USC 115(c)(1).

2. This affidavit is submitted in support of a criminal complaint against Davante Marcellos JOHNSON (“JOHNSON”). As explained below, I respectfully submit that there is probable cause to believe that, on September 01, 2021, in the County of Durham, city of Durham, NC, in the Middle District of North Carolina, JOHNSON did 1) threatened to assault Teretha Tate, an employee of the Social Security Administration, an official whose killing would be a crime under Title 18, United States Code, Section 1114, with intent to intimidate her while she was engaged in the performance of her official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B); and 2) through the use of the telephone, willfully made a threat to damage or destroy the Social Security Administration building located at 3511

Shannon Road #200, in Durham, North Carolina, by means of an explosive, in violation of Title 18, United States Code, Section 844(e).

3. The information contained in this affidavit is based on my personal knowledge, as well as information relayed to me by other law enforcement agents and officers involved in this investigation. I have not included in this affidavit each and every fact known to me or to other law enforcement officers surrounding this investigation. Rather, I have included only those facts that I believe are necessary to establish probable cause to arrest JOHNSON for the violations described above.

#### **PROBABLE CAUSE**

4. It is a violation of Title 18, United States Code, Section 115 (a)(1)(B) to threaten “to assault, kidnap, or murder, a United States official, a United States judge, a Federal Law Enforcement Officer, or an official whose killing would be a crime under such section, with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on the account of the performance of official duties.”

5. The Social Security Administration (hereinafter SSA) is an agency of the United States. Employees of the SSA are employees “of the United States or any agency in any branch of the United States Government” and therefore, come within the definition of Title 18, United States Code, Section 1114.

6. Title 18, United States Code, Section 844(e) provides that “Whoever, through the use of the mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully makes any threat, or maliciously

conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned for not more than 10 years or fined under this title, or both.”

7. On September 01, 2021, the US Department of Homeland Security’s Federal Protective Service was notified that JOHNSON called the US Social Security Administration (“SSA”) office located at 3511 Shannon Road Durham, NC from telephone number (312) 204-9850 and threatened to physically harm Teretha Tate, a SSA Customer Service Representative (“CSR”), after not being satisfied with the explanation given by Tate about why he has not received his monthly Supplemental Security Income (“SSI”) check. According to Tate, JOHNSON angrily used the following language during the conversation, “bitch you going to get my bread or I am going to fuck you up!” JOHNSON also said if he had to come to the office, he was “going to be going back to prison.” JOHNSON further said, “you just wait bitch...I am on my way up there now.” Tate expressed how afraid she was for herself and her co-workers at the Durham SSA office and although she was able to identify where JOHNSON’s check went, she was too shook to call JOHNSON back describing the interaction as the most scared she has ever been in her entire SSA career.

8. Your affiant has investigated hundreds of threat cases against SSA employees and its not common to for the VICTIMS to express this much fear after a telephonic threat. In fact, many VICTIMS will state they did not take the threat seriously dismissing them as “rants” or “puffery” which is not the case in this instance.

9. Further investigation revealed that on this same date JOHNSON called the Durham Police Department (“DPD”) emergency 911 line from telephone number (919) 598-

7809 where he spoke with a dispatcher on a recorded line. The following are excerpts regarding the threatening language used during the conversation. During the conversation JOHNSON referred to the SSA office located on Shannon Road and said, his SSI check did not arrive and “those fuck niggas playing with me” then stutters “they must not know what city we in.” He said he provided to the SSA his name, Offender Population Unified System (“OPUS”) number, and date of birth (“DOB”) and that “these motherfuckers are refusing to give me information on my god damn money” and that “I am going to talk to y’all before I go up there and shoot that shit the fuck up!” He said he doesn’t care about going back to prison, that they took his check and that the police need to go their first before “I blow that bitch up!” He continues to identify himself to the dispatcher by his first, last name “Davante Johnson” and that he just got out of prison quoting his prison OPUS # 1309524, and emphasized he is SRG Level 3 (State Risk Group which according to the NC Department of Public Safety is the highest risk level for offenders). JOHNSON repeats, “so before I go up there and blow that bitch up, I’m going to god damn tell y’all, ya’ll better god damn holler at Shannon Road Social Security and tell them they better get my god damn retarded check right.” The 911 operator attempted to assist JOHNSON with locating another SSA phone number. JOHNSON exclaimed “we need to get that number cause I called Shannon Road and they god damn woofin like I won’t come up there and shoot that bitch up now, cause I will. I’m about that shit. That’s a fact. I’ll blow their ass up.” The dispatcher reminds JOHNSON to not make threats, when he exclaims “I don’t care about that shit. I am not afraid of going to prison or jail. If you’re going to put your warrant out, put it out. I don’t care.” JOHNSON wasn’t worried about getting locked up because of the Covid pandemic and that he believes “they don’t want them niggas out here catching that smoke...you didn’t think I knew that!” JOHNSON further

exclaimed he didn't believe anyone would get locked up for communicating threats and that they didn't even finish processing him from his last communicating threats arrest. JOHNSON concludes the phone call by exclaiming "if you hear of a shooting at Shannon Road I did it!"

10. On this same date, an officer from the Durham Police Department responded to JOHNSON's last known location at 214 Walton Street Durham, NC (address associated by DPD 911 call (919) 598-7809). According to the report of the responding officer, JOHNSON stated he was angry his SSI check didn't arrive and readily admitted that he said he would shoot up the SSA. The officer warned JOHNSON about the consequences of threatening to assault a public building, much less a federal office. JOHNSON replied that there were consequences to everything, that he was not afraid of dying that he was willing to die for what they owed him and that includes the respect they should have shown him. The officer reported that before he left, he was able to calm JOHNSON, but that he believed JOHNSON was capable and willing to carry out his threat.

11. A Lexis-Nexus Accurint database search on 09/05/2021 showed the telephone number (312) 204-9850 used to call the SSA registered to JOHNSON and the telephone number (919) 598-7809 used to call DPD 911 registered to a resident at 214 Walton Road Durham, NC where DPD made contact with JOHNSON.

12. A review of JOHNSON's criminal history shows JOHNSON has numerous convictions in the State of North Carolina for communicating threats and misdemeanor assaults. JOHNSON has two prior convictions for carrying a concealed gun. In addition, JOHNSON has convictions for malicious conduct by a prisoner and violating a domestic violence protective order. JOHNSON's National Crime and Information ("NCIC") report lists him as a known "Blood" gang member.



## CONCLUSION

13. Based on the information contained in this affidavit, your affiant believes that sufficient probable cause exists to determine that on September 01, 2021, in the County of Durham, city of Durham, NC, in the Middle District of North Carolina, Devante Marcellos JOHNSON; DOB: 08/01/1993; last four SSN# 8001 did 1) threatened to assault Teretha Tate, an employee of the Social Security Administration, an official whose killing would be a crime under Title 18, United States Code, Section 1114, with intent to intimidate her while she was engaged in the performance of her official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B); and 2) through the use of the telephone, willfully made a threat to damage or destroy the Social Security Administration building located at 3511 Shannon Road #200, in Durham, North Carolina, by means of an explosive, in violation of Title 18, United States Code, Section 844(e).

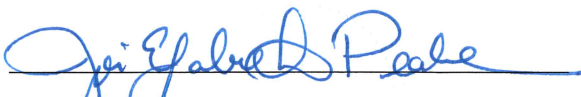
Respectfully submitted,

/S/ FRANK SKRTIC  
FRANK SKRTIC, SPECIAL AGENT  
FEDERAL PROTECTICE SERVICE

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this written affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date: September 7, 2021

City and state: Winston Salem, North Carolina



Joi Elizabeth Peake, U.S. Magistrate Judge